

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 27, 2008

DIVISION ONE

B197244 Automated Switching and Controls, Inc. (Not for Publication)
 v.
 Modern Continenetal Roadway et al.

The judgment is reversed insofar as it denies attorney fees, and the matter is remanded for further proceedings on that issue. In all other respects, the judgment is affirmed. Plaintiff is entitled to costs on appeal.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Rothschild, J.

B194434 Quelin Edwards (Not for Publication)
 v.
 Los Angeles Unified School District et al.

The judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Rothschild, J.

DIVISION ONE (continued)

B197047 The CIT Group/Capital Equipment Financing Inc. (Not for Publication)
v.
Amanullah Khan et al.

The judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
Rothschild, J.

B201853 Tarshia Rodgers (Not for Publication)
v.
Joel Anthony Ward

The judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
Rothschild, J.

DIVISION TWO

B199927 People (Not for Publication)
v.
Allen

The Court:

The judgment is affirmed.

Boren, P.J., Ashmann-Gerst, J., Chavez, J.

DIVISION TWO (continued)

B198999 Iskanian et al. (Not for Publication)
v.
CLS Transportation Los Angeles LLC

Assuming the matter is not moot due to Iskanian's satisfaction with the arbitration which has been ordered, let a writ of mandate issue. This conditional writ of mandate directs the superior court to reconsider in light of Gentry whether the arbitration agreement as a whole is unconscionable and thus void and, if the arbitration agreement is valid and enforceable, to determine in light of Gentry if the prohibition against representative or class actions is nonetheless void. If either the arbitration agreement as a whole or the prohibition against representative or class actions is void, the superior court is directed to vacate the order under review and proceed consistent with the opinion in Gentry. Iskanian shall recover his costs.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

B200467 People (Not for Publication)
v.
Huntsman

The judgment is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
 Chavez, J.

DIVISION THREE

B195509 People (Not for Publication)
v.
Johnson, et al.

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B203223 People (Not for Publication)
v.
Cendeno, et al.

Garcia's case is remanded to the trial court for correction of the abstract of judgment to reflect the sentence imposed and the presentence custody credits awarded: the three-year sentence for Garcia's conviction of second degree robbery and a consecutive term of 16 months for his violation of probation previously granted in another matter, and a total of 341 days of presentence custody credit consisting of 260 days actually served and 81 days of conduct credit. The trial court is further directed to send a certified copy of the corrected abstract of judgment to the Department of Corrections. In all other respects, the judgments are affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

May 27, 2008 (Continued)

DIVISION THREE (continued)

B203955 People (Not for Publication)
v.
Ayans

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

B198235 Stahl et al. (Not for Publication)
v.
Acuna et al.

The judgment is reversed with respect to (1) the award of punitive damages against appellants, and (2) a portion of Stahl's and Luu's awards of compensatory damages against Ledesma, which are reduced, respectively to \$10,000 and \$29,800. The judgment is affirmed in all other respects. The parents are to bear their own costs on appeal.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION FIVE

B196151 People (Not for Publication)

V.

Travon Freeman

The judgment is modified to reflect the imposition of an additional \$10 court security fee. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Mosk, J.

Kriegler, J.

B198114 People (Not for Publication)

V.

Carl McNeil

We reverse the judgment of conviction and remand this matter for a new trial. If the People do not retry appellant, appellant's conviction shall be reinstated as possession of a controlled substance in violation of Health and Safety Code section 11350, in which case appellant shall be resentenced accordingly. Such resentencing should include adding a Government Code section 70372 state court construction penalty of \$15 and a \$10 surcharge pursuant to Penal Code section 1467.5 to the Health and Safety Laboratory fee.

Armstrong, Acting P.J.

I concur: Mosk, J.

I concur: Kriegler, J. (Opinion)

DIVISION FIVE (continued)

B190127 Harsco Corporation (Not for Publication)
 v.
 Kiewit Pacific Company

The judgment for noneconomic damages is affirmed. The judgment for economic damages is reversed. Upon remittitur issuance, the trial court is to promptly hold an evidentiary hearing and calculate the Code of Civil Procedure section 877.6., subdivision (a) offsets on the economic damages as discussed in part III(B) of this opinion. The order preventing plaintiffs, James Sepulveda and Saul Villegas, from recovering from defendant Harsco Corporation is reversed. Judgment is to be entered in favor of Mr. Sepulveda and Mr. Villegas against Harsco. Interest on Mr. Villegas's noneconomic damages is to run from January 13, 2006. The appeal filed March 17, 2006 is dismissed. All parties are to bear their own costs on appeal.

Turner, P.J.

We concur: Mosk, J.
 Kriegler, J.

DIVISION EIGHT

B192754 People (Not for Publication)
 v.
 Baldemar Sanchez

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
 Flier, J.